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April 10, 2014

VIA ECF

The Honorable Steven M. Gold
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: Quinteros v. MBI
12 CV 2517 (WFK) (SMG)

Dear Chief Magistrate Judge Gold:

I represent the plaintiff in the above matter. Plaintiff responds to defendant's motion for a hearing for a settlement conference. As the Court is aware from the Court's Order and from defendant's recitation of even date, the defendant was ordered to produce numerosity and net worth information. Let me address the issue of net worth information. Your Honor ordered defendant to provide the undersigned with net worth information in a form with which I would be comfortable with the representations and to be produced by April 9, 2014. Mr. Browne has not given any reason why he was not producing that information by the said date. Therefore, plaintiff requests that the Court order the defendant to show cause why that information has not been produced.

Second, concerning the issue of numerosity, there are plenty of decisions in various federal district courts that hold that the inability to produce a class list is not a bar to class certification. See *Pawelczak v. Fin. Recovery Servs.*, 2012 U.S. Dist. LEXIS 153914 N.D. Ill., October 26, 2012.

Therefore, I respectfully suggest that a settlement conference is premature at this time. Perhaps, it may be helpful to the parties if the Court were to schedule a telephone conference to address the issue of the defendant's numerosity production troubles. Being that Passover begins Monday night, I would request that if the Court does not schedule a conference for this week, the conference be held on April 24, 2014 or thereafter. Thank you for the Court's consideration of the foregoing.

Yours faithfully,
/s/

Adam J. Fishbein
cc: Christian Browne, Esq.